

## **2.2 Transcripts from Public Hearings**

**Public Comment Hearings**  
**September 25, 2003, 3 p.m. to 5 p.m., Green Valley, AZ**  
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PUBLIC COMMENT HEARING  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
TUCSON ELECTRIC POWER COMPANY  
SAHUARITA-NOGALES TRANSMISSION LINE

Green Valley, Arizona  
September 25, 2003  
3:00 P.M. to 5:00 P.M.

RAYNBO COURT REPORTING, LTD.  
3625 West Gailey Drive  
Tucson, Arizona 85741  
520/744-2293  
Reported by: Raynbo Silva, RPR, CSR, CCR  
Certified Court Reporter No. 50014

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1 PANEL:  
2 ANTHONY COMO, Department of Energy  
3 ELLEN RUSSELL, Department of Energy  
4 BRIAN MILLS, Department of Energy  
5  
6  
7 \* \* \* \*  
8  
9  
10  
11  
12  
13 The above hearing was held at the SANTA RITA  
14 SPRINGS FACILITY, RECREATION DEPARTMENT, 921 Via Rio  
15 Fuerta, in the City of Green Valley, County of Santa Cruz, State of  
16 Arizona, before Raynbo Silva, RPR, CSR, CCR, Court Reporter  
17 No. 50014, in and for the County of Pima, State of Arizona,  
18 on the 25th day of September, 2003, commencing at the hour  
19 of 3:14 P.M.  
20  
21  
22  
23 \* \* \* \*  
24  
25

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1 MR. ANTHONY COMO: Thank you very much.  
2 We're going to call these proceedings to order,  
3 and I don't mean to sound all that formal about it. My name  
4 is Tony Como. I am with the U.S. Department of Energy. The  
5 only reason we are here is actually to listen to you but,  
6 unfortunately, I have to give you a couple of minute  
7 monologue on why we're here and talk a little bit about the  
8 protocols that we're going to use.

9 The first thing I would like to bring your  
10 attention to is the fact that we have a court reporter.  
11 That isn't to imply some high level legal proceeding. She  
12 is only here so that we don't miss anything that's said.  
13 It's no more important than that.

14 So a couple of rules for dealing with it.  
15 Number one, whenever you get up to speak and as many times  
16 as you care to get up and speak, every time you do so could  
17 you please identify yourself for the court reporter and at  
18 least the first time if you could also spell your name.

19 If you are going to be using any kind of technical  
20 terms or terms of art in a particular discipline, it might  
21 be helpful for you to spell them out for her. And speak  
22 slowly and distinctly so that she catches all of your words.

23 And if she has any questions about anything that  
24 you've said, she will just raise her hand and ask you to  
25 clarify it. And I assume at some point you may want to take

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1 a break to change tapes or the like. So that's that.

2 Let me explain why we're here. Several years ago  
3 in December of 2001, 2000, anyway late in the year 2000  
4 Tucson Electric Power Company came to the Department of  
5 Energy and applied for a Presidential Permit to build an  
6 electric transmission line across the U.S. International  
7 border.

8 The only reason the Department of Energy is  
9 involved is because their project was involving a border  
10 crossing. If the line were built exclusively inside the  
11 United States, the Department of Energy would have no stake  
12 in it whatsoever.

13 Some of my other Federal colleagues, who I will  
14 introduce in a moment, would, though. Okay. So before we  
15 issue a permit the law says we have to look at the  
16 environmental impacts of building and operating this  
17 transmission line. And that's what we are here about.

18 But a little over a year ago, maybe a year and a  
19 half ago we were down here for meetings that looked very  
20 much like this. And at that time we asked your thoughts on  
21 what issues we should be studying in preparing our  
22 Environmental Impact Statement, and you told us the issues  
23 that you thought were pertinent to a project in this area.

24 And we went back home and for the better part of a  
25 year and a half we have been writing a document. And about

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1 a month or so ago we sent it out to all of you, and  
2 hopefully you all are here because you got a copy of that.  
3 Well, now because you told us what to look at the  
4 first time now here we're asking for your comments on how we  
5 looked at it, whether we got it right, whether the analysis  
6 is correct, impacts on alternatives, whether there are other  
7 alternatives to consider. So that's what I meant when I  
8 said we are really here to hear your comments on our  
9 document.

10 The document that we prepared was prepared in  
11 cooperation and in conjunction with other Federal agencies,  
12 the U.S. Forest Service, the Bureau of Land Management and  
13 the U.S. Section of the International Boundary and Water  
14 Commission. And at least two of the agencies, both BLM and  
15 the Forest Service, representatives are here in the  
16 audience.

17 And not to put anybody on the spot, but if anybody  
18 has any questions on their own processes on approving or  
19 otherwise reviewing this project, I am sure they would be  
20 available for you to talk to during coffee break time and  
21 things like that. So that's why we're here. We have until  
22 5 o'clock.

23 Another important point, this is not testimony.  
24 These are comments. Anything you say here would be carried  
25 no more or less than if you sent us a long letter back to

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1 Washington or e-mailed it to us and the like. No type of  
2 comment that we receive is considered to any greater or  
3 lesser degree. They are all considered equally.

4 So if you are sitting here and listening to some  
5 of your neighbors talk and make some points and then you go  
6 home later and something else dawns on you, you haven't  
7 missed an opportunity to get it on the record. Send us a  
8 letter, e-mail, FAX. It's pretty much all the same.  
9 Everything you say here, anything that you write us at home  
10 ultimately will appear word for word in the Final  
11 Environmental Impact Statement.

12 We will take copies of the transcripts that the  
13 reporter prepares for us. We will identify any points or  
14 comments that you make. And whether it's in a letter or  
15 anything in the document, the final document we will  
16 identify how we have addressed your comment, whether we  
17 changed a number on Page 15 of the EIS or how we have  
18 modified the document to address the comment that you might  
19 have made. So you will be able to see all of that when the  
20 final is distributed.

21 When is that going to happen? I couldn't tell you  
22 because it really is a function of how many comments we get  
23 and what kind of comments they are and how much more work we  
24 have to do to address them in the final EIS. So we are  
25 talking months, not weeks. So three, four months from now

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1 is a very, very rough target figure you will expect to see  
2 the final version of this document coming to you in the mail  
3 just like this one did.  
4 I'm going to sit down now and start calling names.  
5 And as I call your name, if you could use the microphone in  
6 the center, or if you would prefer, you are more than  
7 welcome, I am going to stick this in the podium over here  
8 because I probably won't need to speak too much. So as your  
9 comfort zone, either up here or in the aisle will be just  
10 fine.  
11 Just one last thing, and then I really will be  
12 quiet. I would be glad to introduce my colleagues.  
13 With me today is Brian Mills from DOE's office of  
14 NEPA Policy and Compliance, Ellen Russell who works with me  
15 in the Office of Fossil Energy. And some place in the  
16 audience cleverly disguised is our attorney, Rick Ahern.  
17 Well, he actually has a DOE name tag just like this, but  
18 Rick Ahern is our NEPA attorney. And in the back, like I  
19 said, we have Keith Moon from the Bureau of Land Management  
20 and Jerry Connor from the U.S. Forest Service.  
21 I would like to call the first speaker up. Philip  
22 Gray?  
23 MR. PHIL GRAY: My name is Phil Gray. And I am  
24 here representing the Green Valley Recreation Hiking Club.  
25 And I appreciate the opportunity to present the perspective

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1 of the club.  
2 Our club has presently over 500 active hikers, and  
3 we maintain records on some 3,000 people who have hiked with  
4 us during the years and are very interested in this issue.  
5 And each of our members has his or her own opinion about the  
6 need for this line.  
7 But I feel as a club we can really only address  
8 the issue of recreation and visual impact. And I will try  
9 to limit my remarks to those issues.  
10 I would like to have had a tape recorder here  
11 today to play America the Beautiful softly while I'm  
12 speaking. So just kind of hum to yourself while I am making  
13 my remarks. You will remember the vision of the sea, from  
14 shining sea to shining sea, images of the wild west, wide  
15 open spaces, endless skies of blue.  
16 Well, I bought into that until I started driving  
17 out west some 20 years ago. My first shock of reality was  
18 Bowman's Running Indian signs. Every interstate it seems in  
19 the west has been destroyed with that particular company.  
20 Mountain tailings stretching for miles, sulfur plants, talc  
21 plants out in the middle of deserts, power plants belching  
22 particulates into the air. You can imagine what I thought  
23 as I drove from the mountains into Los Angeles. Tracks of  
24 off-road vehicles, sand dunes marred and destroyed by them.  
25 Forest trails with off-road vehicles creating ruts and

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1 taking shortcuts and eroding the trails badly. Thousands  
2 and thousands of hills crawling up our majestic -- houses  
3 crawling up the foothills of our majestic mountains and  
4 across acres of our fruited plain. That's what we people  
5 are, and that's what we need evidently.

6       What's happened here in this particular area in  
7 this valley stretching from Tucson down to Nogales a  
8 railroad line carrying sulfuric acid cars frequently from  
9 Mexico traverses to our east. Immediately on the west side  
10 of us here there is an interstate highway, one of the  
11 busiest ones it seems in the U.S. apart from the east. Over  
12 there is a river, runs dry once you get past Tubac. We have  
13 managed to take all of the water out of that. Mine tailings  
14 run for miles through Green Valley.

15       We certainly can't say anything that would run to  
16 the west of us would mar the visual scenery over there with  
17 those mine tailings.

18       Housing in Green Valley is just about used up,  
19 every available acre. There is a little bit left but not  
20 much. The Town of Sahuarita is going east. They are going  
21 west. They are going south around us here. They have  
22 projects either started, completed or on the board for  
23 thousands upon thousands of commercial developments and  
24 homes.

25       Tubac and Rio Rico are beginning to experience the

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PG-1

1 same rapid expansion and growth. Precious little unspoiled  
2 land left in this part of the country, pocket areas in  
3 Arizona that are not visually impacted by our human  
4 development activities.

5 As a hiking club we tend to seek out then those  
6 areas in which the recreational and visual resources can  
7 give us a glimpse of the west as we all think it should be.

8 We have mapped and utilized over 15 hiking trails  
9 in the Atascosa Mountains. We have worked with the  
10 U.S. Forest Service to repair and restore the Atascosa  
11 Lookout as a historical structure.

12 We have a great deal of pleasure when we go up  
13 Atascosa Lookout Trail telling newcomers now around this  
14 next bend you're going to keep your eye out for the  
15 alligators. There is a big mountain range there that from  
16 that trail looks just like a dormant alligator up there.

17 We have over 17 hikes mapped in the Tumacacori  
18 Mountains, half a dozen in the Pajaritos and several in Peck  
19 Canyon.

20 The visual integrity of all of these areas would  
21 be destroyed by the proposed extension.

22 The government impact statement to which you refer  
23 notes that the visual impact of a possible central power  
24 line route notes the amount of impact that a possible  
25 central route would have on Tubac, Amado and the Tumacacori

**Comment No. PG-1**

Sections 3.2 and 4.2, which discuss the existing Scenic Integrity and changes that may result from the proposed project, including impacts to the area of the Atascosa and Tumacacori Mountains, and the Pajarita Mountains south of Ruby Road, have been revised to discuss the proximity of the proposed project to the towns of Ruby and Arivaca and to analyze potential impacts to these areas.

Assessments of the visual impact of the Western, Crossover and Central corridors all demonstrate that though the proposed powerline would be visible from the Atascosa Lookout, the original fire detection function of the lookout house would not be compromised by the presence of the powerline. None of the proposed corridors significantly impact the historical integrity of Atascosa Lookout.

Sections 3.1.2 and 4.1.2 discuss existing recreational settings and activities, and potential impacts to recreation from the proposed project.

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PG-1  
cont.

1 Mission area.

2       It seems to be conspicuously quiet about another  
3 very historical area of southern Arizona, Arivaca and Ruby.  
4 One can only wonder about priorities when the visual impact  
5 of a power line in an area already corrupted by massive  
6 human encroachment is considered more significant than the  
7 impact on areas that are relatively free from such  
8 intrusion.

9       The same assessments do note that the impact on  
10 the scenic integrity for the preferred western route would  
11 be double that for the central corridor.

12       The Green Valley Hiking Club members believe that  
13 not only the central and western routes proposed for the  
14 power extension line would negatively impact the visual  
15 integrity of the entire valley but, also, that the western  
16 route would have a particularly egregious impact on the  
17 recreational and visual resources of this part of Arizona.

18       For this reason we are urging all of the  
19 responsible agencies to either reject that route or to take  
20 no action on permit requests. We would like to preserve at  
21 least a little bit of America the Beautiful.

22       Again, thank you for the opportunity to speak.

23       MR. ANTHONY COMO: Thank you, Mr. Gray.

24       Next person, Pat Anderson?

25       MS. PAT ANDERSON: I am wanting to talk about, I



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PA-1	1 have been told I have picked the wrong venue and need to 2 talk to the Corporation Commission, but I am going to vent 3 anyway, Page S-15 in this document here says in part: 4 "Neither the Arizona Department of the Environmental 5 Quality, ADEQ, or the Pima County of Environmental Quality, 6 PCFEQ, has received any permit applications for new power 7 plants in the project vicinity of southern Arizona." 8 But that doesn't say it's not going to happen and 9 it's guaranteed it's going to. Where are you going to get 10 more juice?
PA-2	11 My concern is the power plants which will probably 12 be built in Mexico if what you did goes to the border and 13 then the Mexican folks did their thing from the border down, 14 there is a gap there. Nobody is saying we're going to make 15 dirty smoke belching plants below the border that EPA can't 16 touch. It's all going to blow up here, and we're going to 17 breathe it along with the tailings from the mine.
PA-3	18 And that really concerns me, especially because 19 we're going to be paying out of our own pockets in higher 20 utility bills for this, and we're not even going to get the 21 juice from it. 22 So that's all I've got to say. 23 MR. ANTHONY COMO: Thank you, Ms. Anderson. 24 Kenneth Fleshman? 25 MR. KENNETII FLESHIMAN: My name is Kenneth

**Comment No. PA-1**

Section 3.11.1 of the Final EIS has been revised to clarify that the proposed project does not require either the development of new or expansion of existing power generation facilities.

**Comment No. PA-2**

The Federal agencies do not have any information suggesting that any power plant construction in Mexico is reliant upon or otherwise connected to TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

**Comment No. PA-3**

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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KF-1	1	Fleshman. I am a resident of Green Valley.
	2	When I moved to Arizona 19 years ago, I chose to
	3	live in Green Valley rather than Tucson because of the many
	4	nearby mountain ranges, the so-called sky islands. I am out
KF-2	5	in these mountains hiking two times a week. I know the
	6	Tumacacori and Atascosa Mountains well. The area has been
	7	proposed for wilderness status, which it deserves.
	8	The current power line proposal proposes 191 power
KF-3	9	poles of 140-foot height and 14 lines to pass through these
	10	two mountain ranges. This would be a major intrusion into
	11	this rugged, beautiful and nearly roadless and undisturbed
	12	area. It is unthinkable to consider the placement of these
KF-2	13	structures along Ruby Road at the base of Atascosa Peak and
	14	the officially designated historic fire lookout.
	15	A case has been made for the need of a backup line
	16	for Nogales, Arizona, and Santa Cruz County.
KF-2	17	Only 20 percent of this line's capacity,
	18	100 megawatts out of 500, is for Nogales, Arizona. The
	19	remainder is for proposed export and sale to Mexico. The
	20	potential market in Mexico is highly uncertain and does not
KF-3	21	justify this intrusion into the Coronado National Forest.
	22	I respectfully request that the permit for this
	23	transmission line as described be denied.
	24	Thank you very much.
KF-3	25	MR. ANTHONY COMO: Thank you, Mr. Fleshman.

**Comment No. KF-1**

Sections 3.2 and 4.2 present analyses of the existing visual resources, and potential impacts to these visual resources (including Ruby Road and Atascosa Peak) for each alternative.

Sections 3.4.1 and 4.4.1.1 discuss the Atascosa Lookout Tower (referenced by the commentor) and the potential impacts from the proposed project. Assessments of the visual impact of the Western, Crossover and Central corridors all demonstrate that though the proposed powerline would be visible from the Atascosa Lookout, the original fire detection function of the lookout house would not be compromised by the presence of the powerline. None of the proposed corridors significantly impact the historical integrity of Atascosa Lookout.

Regarding the citizen-initiated proposal for an addition to the National Wilderness Preservation System, the Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori EMA. Maps provided by commentors indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as Forest Service regulations (36 CFR 293.15) provide for the establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

**Comment No. KF-2**

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current ("AC") transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." See further discussion of purpose and need in Section 1.2. This EIS addresses the environmental impacts that would accrue, including impacts on the

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1       Jeremy Lite, who I understand will be introducing  
2 another speaker.

3       MR. JEREMY LITE: That's right. I will use the  
4 front, so I can be by the map.

5       My name is Jeremy Lite. And I am with Quaryles &  
6 Brady Streich Lang here on behalf of Caterpillar, Inc.,  
7 which operates a 6,000 plus acre facility for demonstration  
8 center and proving grounds in an area that would be affected  
9 by the preferred route, the western route, and also by the  
10 crossover route.

11       And when I say affected, I mean that the route as  
12 it is currently proposed would run right through the center  
13 of their facility.

JL-1 14       MR. ANTHONY COMO: Excuse me. Could you possibly  
15 explain what the nature of the facility is for the record?

16       MR. JEREMY LITE: Yes. It's a demonstration  
17 grounds, demonstration center and proving grounds. And I  
18 think when I introduce Matt, he will have a better  
19 explanation of the facility.

20       If it would be helpful, we could also point it out  
21 on the map as far as its location. We will follow up our  
22 comments today with written comments, and that might be a  
23 better place to do that.

24       AUDIENCE: Could you point to the map right now?

25       MR. JEREMY LITE: The area that we are talking

**Comment No. KF-2 (continued)**

Coronado National Forest, if a transmission line were constructed within one of the three corridors identified.

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built

**Comment No. KF-3**

The Federal agencies note the commentor's preference for the No Action Alternative.

**Comment No. JL-1**

Sections 3.1 and 4.1 have been revised to provide additional information regarding the Caterpillar Facility and potential impacts. Any suggested re-route of the Western and Crossover Corridors would be outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. Because of this limitation and because the agencies have less information about the environmental characteristics of this route than about the corridor alternatives, a re-route option is not available for selection by the agencies at this time as explained in Section 2.1.5. If, following the issuance of Federal agency RODs, TEP were to propose use of an alternative route, the Federal agencies would evaluate the need for additional NEPA review.

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JL-1  
cont.

1 about is this cross right here (indicating). I realize that  
2 won't be reflected in the record.  
3 Caterpillar is not here to oppose a transmission  
4 line, but it does have serious concerns about that the DEIS,  
5 the Draft Environmental Impact Statement, either  
6 misrepresents or fails to consider some of these significant  
7 land use and socioeconomic and to some extent visual impacts  
8 that the western route and the crossover route would have on  
9 the Caterpillar facility.

10 These concerns were first brought to the attention  
11 of TEP and the ACC and others in January, 2002. So this  
12 isn't the first time that they are being raised.

13 Specifically the Draft EIS represents that land  
14 outside of the National Forest is, as the DEIS says,  
15 compatible with existing land use. And unfortunately,  
16 that's not true with respect to the Caterpillar facility.  
17 Again, Matt Turner will explain in more detail how it is  
18 incompatible.

19 In addition, the discussion about socioeconomic  
20 impacts creates temporary means of employment related to the  
21 construction of the transmission line but does not address  
22 the adverse economic consequences that would occur if the  
23 Caterpillar facility is bisected by the planned western  
24 route or by the crossover route and can no longer operate at  
25 capacity.

**Comment No. JL-1 (continued)**

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

Sections 3.2 and 4.2 of the Final EIS present analysis of the existing visual resources, and potential impacts to these visual resources for each alternative.

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1 At this point I will introduce Matt Turner, who is  
2 the manager of the Caterpillar Training Center. He will  
3 provide you with some of the details about the impacts that  
4 were not considered in the DEIS --

JL-2

5 And as he can also tell you, Caterpillar has  
6 identified a short detour that will bypass the Caterpillar  
7 facility and accommodate their concerns without jeopardizing  
8 the preferred route if that's the one that's ultimately  
9 selected.

10 MR. MATT TURNER: Again, my name is Matt Turner.  
11 I am the manager of the training center here just west of  
12 town. A lot of you probably have been out to the facility  
13 or at least nearby. It borders the North Dodge Sahuarita  
14 property.

MT-1

15 We came here in 1990 for basically two reasons,  
16 and that is to have some privacy to develop new products.  
17 Of course Caterpillar is the largest manufacturer of  
18 earthmoving equipment and engines in the world. And this is  
19 one of our major development centers. And it's also a major  
20 trading center. So that is a dual purpose facility.

21 In fact, this facility has between 12 to  
22 15 thousand people a year out here. So it may seem like  
23 it's out in the middle of nowhere but, actually, we get  
24 quite a few people here. We have actually got as many as  
25 20,000 people in a few years. So it's very important to

**Comment No. JL-2 and MT-1**

Caterpillar's suggested re-route would be on land owned or leased by Caterpillar, but it is outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line as suggested. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. Because of this limitation and because the agencies have less information about the environmental characteristics of this route than about the corridor alternatives, the suggested reroute option is not available for selection by the agencies at this time. Therefore this suggested reroute was eliminated from detailed analysis in this EIS. However, a field survey conducted by Harris Environmental Group indicates that ecological characteristics on this route are similar to those on the portion of the Western or Crossover Corridor that this route would replace (HEG 2004e). Thus, it is likely that the impacts that would occur along the proposed re-route are consistent with those already identified in the assessment for these corridors. If, following the issuance of Federal agency RODs, TEP were to propose use of this alternative route, the Federal agencies would evaluate the need for additional NEPA review.

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

Sections 3.2 and 4.2 discuss the existing visual resources and potential impacts to these resources for each alternative.

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MT-1  
cont.

1 Caterpillar, and we believe it's very important to Tucson  
2 and the Green Valley community as well.

3       There is over 60 families employed by Caterpillar  
4 out there. And I think probably a lot of you know some of  
5 those people. And we represent about it's over \$30 million  
6 to the Tucson economy every year. 28,000 room nights we  
7 represent to the Tucson economy. And quite a few of those  
8 are down here in Green Valley as well.

9       The facility itself is over \$30 million just in  
10 the investments in the buildings that we have. There is  
11 another \$30 million in fleets. So as you can see, it really  
12 is a sizable investment in this community.

13       And the proposed route, the western route, as  
14 Jeremy stated, we have no objections to in principle, but we  
15 do have some concerns for the route as it lays now because  
16 it does cut through basically right through the training  
17 center where we are going to get 12 to 15 thousand people a  
18 year, and that does compromise the scenic beauty. And  
19 that's one of the key reasons we chose this.

20       We work very hard to keep our training and our  
21 development facility, the impact on the environment to a  
22 minimum. And we do that because we have so many people  
23 coming through here that, of course, are here to enjoy not  
24 just learning a little bit about Caterpillar and our  
25 products but, of course, enjoying the beautiful Sonoran

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**Comment No. MT-2**

See response to MT-1 above.

MT-1  
cont.

1 Desert as well. So it's very important.

2 It's also a safety issue. We have a lot of large  
3 machineries. Some of them are over 60-foot high, and they  
4 are in and some of the areas that they operate are between  
5 the towers. That is a concern of ours as well.

6 And like I said before, the privacy is an issue.  
7 Another corridor would just open up. I know they will close  
8 the doors, but supposedly the gas lines closed, too, and yet  
9 we still get a lot of traffic out here. So it would open it  
10 up to a number of folks.

MT-2

11 Like I said, we do have some very valid, we  
12 believe, concerns with the proposed western routes. As  
13 Jeremy also mentioned, with just a short deviation of that  
14 route that could hopefully be accepted by the ACC or this  
15 committee we could negate the concerns to our property and  
16 to our training and development centers there.

17 So anyway I would just like to conclude that we  
18 think it could seriously impact our business as we have it  
19 now, and but yet we are willing to work with the  
20 organizations to negate that problem. And I think we can do  
21 so successfully. And we will attempt to do that through the  
22 process.

23 I want to thank you all for having me here to  
24 talk.

25 MR. ANTIIONY COMO: Could I ask, Mr. Turner, not

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MT-3

1 today, but would you in some way, shape or form, is it  
2 possible for you to send back to Washington your thoughts on  
3 the detour that you mentioned? Do you have maps or any way  
4 of providing that information?

5 MR. MATT TURNER: We have already prepared that,  
6 and it will be in the comments. I would like to leave for  
7 you, we have all of these people out here, we have developed  
8 a very nice brochure some time ago that shows the scenic  
9 beauty of the area. It kind of gives a little flavor of  
10 exactly what it is we're doing out there. So I will just  
11 leave you a few there.

12 MS. ELLEN RUSSELL: Can you tell me again how high  
13 some of those machines reach?

14 MR. MATT TURNER: Some of the machines can get up  
15 to 60 feet high. There is a number of different machines  
16 and a lot of different applications. We have a full range  
17 of mining equipment, and those tend to be large equipment.  
18 Thank you.

19 MR. ANTHONY COMO: Thank you very much.  
20 Our next speaker is Nancy Valentine.

21 MS. NANCY VALENTINE: That's Nancy Valentine. I  
22 am with the Maestros Group.

23 In the Federal Register Notice dated July 10,  
24 2001, the scope the EIS and TEP was to engage in included  
25 the following passage, I quote: "The EIS will also consider

**Comment No. MT-3**

As stated in Section 4.2, the typical height of the transmission line structures would be 140 ft (43 m).



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1 alternatives to the proposed transmission line including to  
2 the extent practical: One, no action alternative; and two,  
3 construction of a power plant in the U.S. closer to the  
4 U.S.-Mexico border with a shorter transmission line  
5 extending to the border, an alternative concept for  
6 supplying electric power to the target region," unquote.  
7 The notice of intent also states, and I quote,  
8 "DOE has determined that the issuance of the Presidential  
9 Permit would constitute a major Federal action that may have  
10 a significant impact upon the environment within the meaning  
11 of the National Environmental Policy Act of 1969, NEPA. For  
12 this reason the DOE intends to prepare an EIS to address a  
13 reasonably foreseeable impact from the proposed action and  
14 alternatives," unquote.

15 The Draft EIS under consideration fails to  
16 consider the alternative of a power plant closer to the  
17 border. Why?

NV-1

18 DOE acted responsibly and was wise in its original  
19 decision to take a comprehensive approach when structuring  
20 the scope of the EIS to afford comparison of impacts of the  
21 transmission lines and the power plant alternative.  
22 What happened between July 10th, 2001, and today  
23 to have made this opportunity for comparison omitted?

24 I have attended many of the TEP hearings, and I  
25 have heard many comments from the public in support of a

**Comment No. NV-1**

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of

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NV-1  
cont.

1 power plant as an alternative option and no objections.  
2 Early on the Maestros Group met with managers of  
3 TEP and introduced a plan for construction of a power plant  
4 at the border that had become regarded as a viable and  
5 feasible concept by other energy executives and financial  
6 entities.  
7 TEP did not accept an offer to continue the  
8 discussion nor to view additional data, financial as well as  
9 environmental, which would have been made available to them  
10 by Maestros Group if they chose to explore further.  
11 What was the reason TEP gave for their lack of  
12 interest? It wasn't that the power plant wasn't feasible.  
13 The reason was, and I quote, "It's not in our business  
14 plan," unquote.  
15 The power plant might not have been in their  
16 business plan, but so what? Neither was a no action  
17 alternative. It is curious that in past public hearings a  
18 power plant alternative was received favorably, yet in the  
19 DEIS it is not a consideration.  
20 Modification to the scope of the DEIS however it  
21 came to be to eliminate the power plant alternative is a  
22 fatal omission to this process.  
23 The Federal Courts have found DOE lacking in its  
24 DEIS process in the Mexicali Presidential Permit scenario.  
25 Iias DOE taken the Mexicali road here and allowed

**Comment No. NV-1 (continued)**

power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

Section 2.1.5 discusses why a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). As discussed in that section, "new local generation does not pre-empt the need for a second transmission line. This is because the system deficiency is not a supply problem but rather a delivery problem that new generation can not solve. New local generation would be susceptible to tripping off line for a transmission line outage just like the existing Valencia units until a second transmission line connects Nogales to the Arizona grid." Therefore, this alternative was not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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NV-1  
cont.

1 an incomplete environmental study to come forward which is  
2 also subject to being knocked down in Court?  
3 I urge DOE to reject TEP's Draft EIS and to allow  
4 the continuation of this process to include a power plant  
5 alternative as originally intended.

6 Thank you.

7 MR. ANTHONY COMO: Thank you, Ms. Valentine.

8 Dr. Falco?

9 DR. EMILIO FALCO: Thank you. My name is Emilio  
10 Falco. And I am a resident of Tubac employed by the  
11 Smithsonian Institution and work as an astronomer at the  
12 nearby observatory, as most of you know.

13 I have been involved in these hearings since the  
14 very beginning. And unfortunately, the last two months have  
15 been very complicated for me, so I haven't had time to  
16 prepare anything formally right now, but I will certainly  
17 submit something in writing. So I thought I would just give  
18 you a couple of quick thoughts.

19 The first one is to thank you for not holding this  
20 on Halloween. This is scary enough already.

EF-1

21 The second one is, the second thought is I work  
22 for a Federal lab, so I know how things go at the Federal  
23 level. And one big question I have about these proceedings  
24 is why can't all of the Federal agencies involved in this  
25 get their act together together?

**Comment No. EF-1**

The Draft EIS public comment meetings were held after the public release of the Draft EIS, as required by NEPA. While DOE identified the Western Corridor as its preferred alternative in Section 1.1 of the Draft EIS, none of the cooperating agencies identified preferred alternative(s) in the Draft EIS. NEPA implementing regulations (40 CFR Part 1502.14[e]) only require the identification of each agency's preferred alternative or alternatives in a Draft EIS if one or more exists, or, if one does not yet exist at the draft stage, in the Final EIS. The cooperating agencies had not identified their preferred alternative or alternative(s) at the time of the release of the Draft EIS. Each Federal agency has identified its preferred alternative(s) in the Final EIS as required by NEPA (see Section 1.4, Federal Agencies' Preferred Alternatives).

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EF-1 cont.	1 Is this a premature hearing given that we don't 2 know how all of the other agencies will come out?
EF-2	3 My own particular preference after having studied 4 all of these, the power lines in quite a lot of detail, more 5 than I ever wanted to know, my strong preference I would 6 urge you to adopt the no action alternative.
EF-3	7 And a couple of more items. Back I think it was 8 in July of 2001 the hearing in Sahuarita, I left you all 9 with a nice heavy package that was the California Study of 10 EMFs, electromagnetic force, the effects on health, human 11 health. And it's a very deep tome, but it doesn't reach a 12 very striking conclusion. However, there are significant 13 conclusions I thought that whose effect I don't see 14 reflected in the current EIS too much. There is some talk 15 about the effects on human health but not a great deal of 16 it.
EF-4	17 And I applaud Mr. Gray's views that he offered 18 earlier. Living in Tubac on the west side near the 19 Tumacacori Mountains would most definitely be severely 20 affected by the central route. So that's probably my least 21 favorite, although the effects on the environment of the 22 western route are so pronounced that I think that that 23 should be rejected altogether, also.
EF-5	24 However, I was thinking in the Draft EIS it is 25 mentioned that the power line will not produce fields higher

**Comment No. EF-2**

The Federal agencies note the commentor's preference for the No Action Alternative.

**Comment No. EF-3**

The study referenced by the commentor is a comprehensive review of existing EMF impact studies that was completed on behalf of the California Public Utilities Commission. The conclusions of this study are included in Appendix B of the EIS, which is referenced as part of the summary of existing information on EMFs in Section 3.10, Human Health and Environment.

**Comment No. EF-4**

The Federal agencies note the commentor's opposition to the Western and Central Corridors.

**Comment No. EF-5**

The calculated maximum EMF strengths listed in Table 4.10-2 are based on the minimum conductor clearance of 32 ft (9.8 m) above the ground surface that is specified in the *National Electrical Code* (NFPA 2004). TEP is required to design their project such that this ground clearance is maintained regardless of the topography of the land in the vicinity of the transmission line. Thus, the maximum magnetic field that would occur directly underneath the proposed 345-kV transmission line is calculated to be approximately 71.867 mG, as listed in Table 4.10-2. Comparing this number to the range of 1.2 to 18 mG for a vacuum cleaner (see Table 3.10-1), the maximum magnetic field beneath the transmission line is a factor of approximately 4 to 60 times higher. Also note that the magnetic field exposure from crossing under the transmission line on a road is a short-term exposure, compared to the longer durations typically associated with household appliance use.

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EF-5  
cont. 1 than, say, some type of appliance, typical appliance within  
2 10 feet or something like that and but 100 feet from the  
3 power line, something like that.  
4 But if you imagine having to drive underneath the  
5 power lines at least twice a day, by my estimate knowing the  
6 inverse square law for magnetic fields you could be exposed  
7 to fields 100 times greater than what is given there  
8 depending on the topography how close you actually come to  
9 the lines. This would be for a few seconds. But it would  
10 be 100 times more than if you are running your vacuum  
11 cleaner for a few hours.

EF-6 12 So I think this is not really a complete and  
13 appropriate study of health effects. With that I think I  
14 will leave it to others to express their opinions.  
15 MR. ANTHONY COMO: I don't mean to retake the  
16 podium here, but Dr. Falco mentioned something I thought I  
17 need to sort of maybe correct you and other people who are  
18 maybe operating under a misunderstanding.  
19 This is not a DOE hearing to decide to build the  
20 line or not, the implication being that DEO was trying to  
21 decide before the other Federal agencies.  
22 This is a hearing. We are calling it a hearing.  
23 It's more of a meeting. This is a hearing to hopefully come  
24 up with a good and better Environmental Impact Statement, a  
25 single Environmental Impact Statement that all of the

**Comment No. EF-6**

As stated in Section 3.10, Human Health and Environment, NEPA-  
implementing regulations (see 40 CFR 1502.22) require a summary of the  
existing credible scientific evidence relevant to evaluating potential impacts  
where there is uncertainty (for example, in evaluating potential EMF health  
effects). The Federal agencies believe that they have fulfilled this  
requirement through the information in Sections 3.10 and 4.10, Human  
Health and Environment, and Appendix B, Electric and Magnetic Fields  
Background Information.

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	1 Federal agencies could use in making their own decisions.
	2 It's theoretically possible that the three
	3 agencies come up with three entirely different decisions,
	4 but it would be based all of the information in this single
	5 document. So that we are here in advance of all of our
	6 decisions, not only the other agencies.
EF-7	7 DR. EMILIO FALCO: That's not what I meant. What
	8 I meant was why can't we have everything together rather
	9 than having to go maybe to more hearings or ad infinitum?
	10 MR. ANTHONY COMO: This will be the last section
	11 of meetings on this document.
	12 Jack Foster?
	13 MR. JACK FOSTER: My name is Jack Foster. I am
	14 with the Sierra Club. And I have come to second what people
	15 from Caterpillar said about power lines impinging on their
	16 turf.
	17 The Sierra Club's turf encompasses at the very
	18 least the entire Coronado National Forest. And that, as you
	19 can see, is in red over here on this chart.
JF-1	20 I would like to make that statement and one more,
	21 which I've read in the Draft EIS, indications that what they
	22 call the footprint of each one of these towers consists of
	23 the area beneath the tower. And this is very misleading
	24 because the footprint of any such construction includes not
	25 only the messes made during the construction and potential

**Comment No. EF-7**

As required by NEPA-implementing regulations, the Federal agencies must invite input from the public during the scoping process and following issuance of a Draft EIS (40 CFR 1501.7 and 1503.1). Accordingly, the Federal agencies held a series of public scoping meetings for this EIS in July 2001, to receive public input on the scope of the EIS. Following this, the Federal agencies prepared the Draft EIS, and held a series of public hearings to receive public comments on the Draft EIS. A series of meetings for each purpose was held in order to provide adequate coverage of the geographic area potentially affected by the proposed project, and in order to provide several meeting date and time options. Any public hearings or meetings conducted on the proposed project by the ACC or other agencies are separate from the Federal NEPA process.

**Comment No. JF-1**

Section 4.1.1, Land Use, of the Final EIS has been revised to clarify that although the Federal agencies use the term "footprint" to describe the area beneath each tower, there would be additional temporary and permanent land disturbance associated with the proposed project. Section 4.1.1 states that the area to be disturbed by access roads (both temporary roads for construction, and permanent roads for maintenance), transmission line tensioning and pulling sites, fiber-optic splicing sites, and laydown yards is addressed in Section 4.12, Transportation, and is not reflected in the structure site disturbance estimates in Table 4.1-1.

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JF-1 cont.	<p>1 cleaning up after but also the maintenance roads that are</p> <p>2 going to be required to take care of each and every one of</p> <p>3 those towers.</p> <p>4       That's all I have to say. Thank you.</p> <p>5       MR. ANTHONY COMO: Thank you, Mr. Foster.</p> <p>6       Jim Webb?</p> <p>7       MR. JIM WEBB: My name is Jim Webb. I am</p> <p>8 representing the Marley Cattle Company. The Marley Cattle</p> <p>9 Company is a family ranch owned by the family for over</p> <p>10 50 years. It lays just west of Green Valley, just south of</p> <p>11 the Caterpillar proving ground, south to the Arivaca Road</p> <p>12 and west to the Altar Valley. It covers about roughly</p> <p>13 100 sections.</p> <p>14       The Marley Cattle Company has about 25,000 acres</p> <p>15 of deeded land, and both the central and the western</p> <p>16 corridor crosses the Marley Cattle Company deeded land.</p>
JW-1	<p>17       The power line route, although generally described</p> <p>18 on these maps, is impossible to locate on the ground and how</p> <p>19 it will affect us exactly. We think that it comes through</p> <p>20 our headquarters area, but we cannot tell from the</p> <p>21 information that's available in the EIS.</p>
JW-2	<p>22       Power lines like this in Arizona provide another</p> <p>23 avenue for illegal immigrants. It's a very difficult</p> <p>24 situation on our ranch at this point. And if this power</p> <p>25 line will provide a corridor, that will probably make it</p>

**Comment No. JW-1**

The maps in the EIS show the 0.25-mi (0.40-km)-wide study corridors within which the 125-ft (38-m) ROW would be sited if an action alternative is selected, based on input from resource specialists in order to mitigate potential environmental impacts. The precise siting of the ROW would occur after each agency has issued a ROD, as stated in Section 3.1.1. Thus, the maps in the EIS cannot include a precise location for the ROW, as the location has not yet been determined.

**Comment No. JW-2**

Section 4.12, Transportation, of the Final EIS has been revised to include the commentor's statement that illegal immigrants leave trash and waste behind as they pass through an area. The transmission line ROW and access roads would not provide a single continuous pathway from the U.S.-Mexico border (also see the response to the Sky Island Alliance, Comment 14).

The potential impacts from the proposed project on Marley Cattle Company's operations are outside the scope of the EIS. Section 4.5, Socioeconomic Impacts, evaluate factors on a regional scale such as employment, income, population, housing, and community services, and potential impacts to these factors, rather than evaluating specific impacts on a company-by-company basis.

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JW-2 cont. 1 impossible.  
2 The waste and trash that is left is significant,  
3 and the disruption to our operation is magnificent in its  
4 scope.  
5 Also, since both of these corridors cross the  
6 ranch it seems to me that the ranch should have been  
7 contacted for the scoping process on the corridor. The  
8 ranch has never been contacted. So I assume that the  
JW-3 9 current EIS documents did not focus on the 15 miles from  
10 Caterpillar to the Arivaca Road since they have never asked  
11 us for permission to look at it, and we would appreciate  
12 that.  
13 The corridor that we found originally was about  
14 two miles wide. We see in the scoping process it was  
15 narrowed to one-half mile. We think that is an  
JW-4 16 exceptionally narrow corridor and does not provide for  
17 enough latitude in siting the power line if, in fact, it has  
18 to be in one of these areas.  
19 And I understand that part of the NEPA process is  
JW-5 20 an economic impact. I see no economic impact in this EIS as  
21 it affects our operation, the value of our land, and we are  
22 opposed to the central corridor, and we are just as opposed  
JW-6 23 to the western corridor.  
24 Thank you.  
25 MR. ANTHONY COMO: Thank you, Mr. Webb.

**Comment No. JW-3**

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process (including public review and comment on the Draft EIS), per CEQ requirements. The law firm representing Marley Cattle Company (Ryley, Carlock, and Applewhite, represented by subsequent speaker Michele Lorenzen), was included on DOE's interested party mailing list, scoping comments to DOE, and was sent a copy of the Draft EIS. Marley Cattle Company did not indicate to DOE their interest in receiving information directly on the proposed project.

The EIS analyzes potential environmental impacts for the entire length of each of the proposed corridors. Where appropriate, that analysis included field visits and groundtruthing. In other situations, literature and maps provided information for the analysis.

**Comment No. JW-4**

The Federal agencies refined the study corridor width to 0.25 mi (0.40 km) during the analysis process in order to balance the need to provide adequate latitude in siting the proposed project with the need for an EIS that provides specific environmental information. The study corridor width of 0.25 mi (0.40 km) allows for thorough field surveys (such as biological surveys), preparation of representative photo simulation of the proposed project in the landscape, and specific descriptions of the potentially affected environment and potential environmental impacts.



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ML-1	1 Michelle Lorenzen?
	2 MS. MICHELE LORENZEN: My name is Michele
	3 Lorenzen. I am with the law firm of Ryley, Carlock and
	4 Applewhite. And I am also speaking on behalf of Marley
	5 Ranch.
ML-1	6 I just wanted to add some technical comments to
	7 Mr. Webb's comments, the first of which there is a serious
	8 deficiency in the Draft EIS in the purpose and needs
	9 statement. The only need that has really been cited in that
	10 section is a need to provide 150 kilovolts to the Nogales
ML-2	11 area. Yet they have proposed to have two-thirds of the
	12 capacity of the new line cross the border into Mexico.
	13 There is no explanation at all for why this is valuable or
	14 necessary or even what the purpose of the extra transmission
	15 capacity will be.
ML-2	16 The Draft EIS does not contain a reasonable
	17 forecast of the effects of the additional capacity.
	18 I've identified a few questions that need to be
	19 answered in the Draft EIS, and I will be providing more
	20 details on those questions in writing, but I just wanted to
ML-2 cont.	21 explain a few of them.
	22 The government needs to consider what is the
	23 purpose of and need for the extra capacity and crossing the
	24 border which is the purpose of this permit?
	25 Is there any existing generation capacity that

**Comment No. JW-5**

An assessment of potential economic impacts on Marley Cattle Company's operation is outside the scope of an EIS (refer to the response to Comment JW-2 above).

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

**Comment No. JW-6**

The Federal agencies note the commentor's opposition to the Central and Western Corridors.

**Comment No. ML-1**

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, of the Final EIS that explains the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." See further discussion of purpose and need in Section 1.2.

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ML-2 cont.	1 will be used to provide electricity on the line or will
	2 there be an increase in the generation capacity?
ML-3	3 Where will the power come from?
	4 Where will the power go?
ML-4	5 What sorts of construction impacts will there be
	6 that haven't been identified by TEP?
ML-2 cont.	7 Has the DOE considered the plans of the Maestros
	8 Group? And those are outlined in an article on
ML-5	9 www.maestrosgroup.com.
	10 If there will be a power plant across the border
ML-2 cont.	11 or in the United States, then that should be included as a
	12 reasonable alternative and the scoping should be changed to
ML-2 cont.	13 include it.
	14 If there will be any additional construction
ML-2 cont.	15 caused by this extra transmission capacity, what are the
	16 environmental and economic impacts of that extra capacity?
ML-2 cont.	17 What other companies will be using the line? And
	18 what are their plans for providing electricity across
ML-2 cont.	19 through the line?
	20 These questions have not yet been addressed.
ML-5	21 Further, NEPA requires a detailed statement of the
	22 relationship between local short-term uses of man's
ML-5	23 environment and the maintenance and enhancement of a
	24 long-term productivity.
ML-5	25 That's in Section 42 USC 4332(C)(4).

**Comment No. ML-2**

Regarding the transmission capacity that will be available across the U.S.-Mexico border, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico. Section 1.1.1, The Proposed Action, has been revised in the Final EIS to clarify that the 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. No specific information is available on the potential use of capacity across the U.S.-Mexico border.

Section 3.11.1, Infrastructure, of the Final EIS has been revised to clarify that the proposed project does not include either the development of new or expansion of existing power generation facilities. Refer to the response to Comment ML-1 above regarding the connecting transmission line in Mexico. The specific routing of the connecting transmission line between the U.S.-Mexico border and the existing Santa Ana Substation has not yet been determined. Evaluation of potential environmental impacts in Mexico is not within the scope of the EIS.

The potential indirect effects of the redundant and additional transmission capacity (see Section 1.5, TEP's Proposed Project Capacity and Usage) that would be provided by the proposed project are speculative, and thus, are not included in the EIS. The EIS addresses the known direct and indirect environmental impacts of TEP's proposed 345-kV and 115-kV transmission lines.

The potential actions of other companies and use of the proposed transmission line by other companies is speculative and beyond the scope of the EIS.

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ML-5  
cont.

1 They must describe in the EIS the relationship  
2 between the impacts that have been identified and the  
3 project's merits so that the public can understand they are  
4 giving up important environmental values for some worth.

5 In that line there should be some response to the  
6 questions what is the benefit of providing extra capacity to  
7 Mexico? Who benefits? Who is impacted? And what are the  
8 impacts on the air, water, economics and culture of the  
9 area? How do these results compare to each other?

ML-6

10 And I just add one more comment to Mr. Webb's  
11 comments on the scoping process. In the original TEP  
12 application either two mile wide corridors or one mile wide  
13 corridors were identified. And I have gone through the  
14 official record because we didn't have notice sufficient to  
15 participate in the scoping process, but there is no  
16 explanation anyway how that decreased to a one-quarter mile  
17 wide corridor.

18 And we think that's a serious misrepresentation of  
19 the actual impact that this line is going to cause. You can  
20 certainly see it from farther than a quarter mile away if  
21 you put it on one side of the corridor and you were standing  
22 on the other.

23 So that needs to be changed. The scoping needs to  
24 reoccur. They need to make bigger corridors. They need to  
25 study the corridors, and then they need to provide a better

**Comment No. ML-3**

The Federal agencies have reviewed the information provided by TEP regarding potential construction activities, and made an independent, thorough assessment of the potential environmental impacts that could result from TEP's proposed construction and operation activities associated with the proposed project, as reflected in Chapter 4, Environmental Effects.

**Comment No. ML-4**

On May 10, 2001, DOE received an application for a Presidential Permit from the Maestros Group to construct a transmission line across the U.S.-Mexico border from a proposed power plant to be built in the Nogales, Arizona area. To date, Maestros Group has provided no additional information for DOE to continue processing their Presidential Permit application. Nonetheless, as more fully discussed in Section 2.1.5, a power plant in the Nogales area does not obviate TEP's purpose and need for this project, and therefore, is not a viable alternative to the proposed project (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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ML-6 cont.	1 statement of the impacts. 2 I think that's all I have. 3 MR. ANTHONY COMO: Thank you, Ms. Lorenzen. 4 Volney Morin? 5 MR. VOLNEY MORIN: My name is Volney Morin. It's 6 a French derivation, not necessarily popular these days. 7 To follow Phil Gray and this illustrious lawyer 8 will seem like the pale echo of a mighty intellectual 9 shower. So I will keep mine to a minimum.
VM-1	10 I suggest only that the government officials keep 11 in mind that with respect to residents, and I am a resident 12 of Green Valley, and I am speaking on behalf of myself 13 alone, but to the extent that the towers or the cables or 14 whatever they are doing has a visual impact upon the 15 residents, to that degree the power company is gaining an 16 advantage because they will be more profitable. So on the 17 one hand we are using a government agency to diminish the 18 value of the home of a resident in Green Valley. 19 Talk to any real estate man, any person, and you 20 will know that that visual impact has a dollar translatable 21 to 20 percent, 25 percent. 22 And on the other hand, as they progress with more 23 effective, more efficient ways, that will impact the 24 shareholders and the officers and the directors of the 25 utility in hand and presumably make more money for them. So

**Comment No. ML-5**

A description of the short-term use of man's environment and the maintenance and enhancement of long-term productivity as it relates to the proposed project is provided in Chapter 8, which has been revised in the Final EIS to more specifically address long-term productivity related to air, water, economic, and cultural resources.

The Federal agencies agree that it is the purview of the state to determine the best way to provide for the energy needs within the state. Chapter 8, Short-Term Use and Long-Term Productivity, has been revised in the Final EIS to discuss the potential benefit to southern Arizona and the improved reliability of transmission of electrical power into southern Arizona. Regarding the benefits of electricity trade between the U.S. and Mexico, refer to the response to Comment ML-2 above.

This EIS evaluates the proposed project's potential environmental impacts, which under CEQ NEPA-implementing regulations encompass the natural and physical environment, as well as the relationship of people with that environment (40 CFR Part 1508.1). Any analysis of the beneficiary (or beneficiaries) of the proposed project beyond NEPA's definition of environmental impacts is outside the scope of the EIS.

**Comment No. ML-6**

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

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VM-1 | 1 we have the government helping one party make money as  
cont. | 2 opposed to another.  
3 I just thought I would mention that. I was going  
4 by anyway.  
5 MR. ANTHONY COMO: Thank you, Mr. Morin.  
6 Mr. Magruder?  
7 MR. MARSHALL MAGRUDER: Good afternoon, Mr. Como,  
8 and the rest of the crowd here. My name is Marshall  
9 Magruder.  
10 Some of you have seen me before at these hearings,  
11 and as you are probably aware, I have got a lot of comments.  
12 I am going to limit it to just one primary subject during  
13 each of these four meetings. And today I am going to talk  
14 about South Substation. This evening I am going to talk  
15 about visibility.  
16 Tomorrow I intend to talk about reliability and  
17 need. And then I will talk a little about costs and  
18 financial impacts. So I will separate them out. But in  
19 those discussions I will bring up some more information.  
20 Your Federal Register Notice of 10, July, 2001,  
21 provided the EIS requirements, and it stated in this process  
22 that there would be a floodplain analysis. Appendix C  
23 contains that analysis along with the wetlands analysis.  
24 Let's look at some of those pages. On Page C-10  
25 and during the Siting Committee testimony TEP freely

**Comment No. ML-6 (continued)**

The Federal agencies refined the study corridor width to 0.25 mi (0.40 km) during the analysis process in order to balance the need to provide adequate latitude in siting the proposed project with the need for an EIS that provides specific environmental information. The study corridor width does not limit the area for which potential environmental impacts are assessed; potential environmental impacts are assessed in this EIS beyond the 0.25-mi (0.40-km) study corridors. For example, Section 4.2, Visual Resources, contains photo simulations of the proposed project at viewing distances of up to 3.6 mi (5.8 km). By narrowing the study corridors, the Federal agencies have reduced the potentially affected land area and the extent of potential effects, and therefore, scoping does not need to reoccur.

**Comment No. VM-1**

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

The potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

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MM-1	<p>1 acknowledged that this facility was inside the 100-year 2 floodplain. It further gives requirements that have to be 3 met for the 100-year floodplain.</p> <p>4 The proposed TEP capacity on this transmission 5 system is 1,000 megawatts per circuit or 2,000 megawatts for 6 the system. It is initially only going to be operated at 7 500 megawatts because TEP then can charge us 20 percent of 8 that and make that amount of money on the people in 9 Santa Cruz County, but that I will talk about when we do 10 numbers tomorrow.</p> <p>11 The 2,000 megawatts is a large number. The City 12 of Tucson peaked at 2,060 on the 12th of August of this year 13 with the highest amount of power that city has ever 14 required. This is the capacity of the City of Tucson going 15 on those lines.</p> <p>16 It invalidates the 500 megawatt electromagnetic 17 frequency data that's provided in a different portion of the 18 same document, the Draft EIS. It makes it so that the 19 widths of the right-of-ways have to be significantly wider. 20 It means that Tucson Electric will have to spend more money. 21 In fact, it's gone from \$70 to \$87-1/2 million the cost has 22 grown on this project so far.</p>
MM-2	<p>23 Just that I am sure everybody in the Department 24 from Energy knows every cent they spend on this it may be 25 reimbursable as long as it's an approved expenditure. So</p>

**Comment No. MM-1**

The maximum EMF levels listed in Table 4.10-2 were calculated based correctly on operation of the proposed 345-kV transmission line at the 500 MW level, because 500 MW is the maximum level at which the proposed 345-kV transmission line would be operated. If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA. The proposed ROW width of 125 ft (38 m) is appropriate for operation of the line regardless of the operating level. That is, the right of way would not have to be wider for a 1,000 MW line.

**Comment No. MM-2**

After a regulated utility such as TEP constructs a project in Arizona, the ACC determines whether, or to what degree, an investment by a utility is recoverable through consumer electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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MM-2 | 1 they are going to get paid for this whole project, and it's  
cont. | 2 going to come out of our pockets.  
3 | 3 The floodplain analysis is important because this  
4 | 4 substation, the one that's on West Pima Mine Road, the one  
5 | 5 that you have to see the signs that say warning, don't drive  
6 | 6 in the area ahead when it's flooded, that is the problem.  
7 | 7 That facility is less than 300, 400 feet from the Santa Cruz  
8 | 8 River. In 1989 the bridge was over -- the water overflowed  
9 | 9 the bridge.  
10 | 10 During the Line Siting Committee one of the people  
11 | 11 from TEP testified, oh, we have a 100-year flood every  
12 | 12 10 years. No. You have a 10-year flood every 10 years.  
13 | 13 And we did have the I-19 bridge washed out in the flood.  
14 | 14 That's a pretty substantial bridge.  
15 | 15 Let's talk about that facility. It is a large  
16 | 16 facility. I am going to get back and follow my notes here.  
17 | 17 The analysis should, therefore, classify this as  
18 | 18 called a critical facility. A critical facility requires a  
19 | 19 500-year floodplain. So the 100-year floodplain analysis is  
MM-3 | 20 erroneous, and Appendix C has to be redone.  
21 | 21 It is a critical facility. If the lights go out  
22 | 22 in Tucson, which is a lot bigger than the people who are  
23 | 23 sort of worried about the lights in Nogales, it is a  
24 | 24 critical facility.  
25 | 25 The reason they haven't had -- some other things I

**Comment No. MM-3**

The Federal agencies concur that the proposed project should be treated as a critical facility, and have revised the Floodplain/Wetlands Assessment in Appendix C to identify and evaluate impacts to the 500-year floodplain. The Floodplain/Wetlands Assessment includes evaluation of the same alternatives evaluated in detail in the EIS (Western, Central, and Crossover Corridors, and the No Action Alternative). Specific alternatives (i.e., mitigation measures) for addressing floodplain/wetland impacts would be developed upon final siting and engineering of the transmission line.

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MM-3  
cont.

1 I would like to talk about, Appendix C, Page C-1, I will read  
2 you a quote, "Because the final siting and engineering of  
3 the transmission line has not been completed, alternatives  
4 that specifically address the floodplain/wetland impacts  
5 have not been developed."

6 They are required to have floodplain analysis to  
7 develop alternatives. Alternatives have to be presented.  
8 Alternatives -- not just about this little substation. This  
9 is the north end of the transmission line. They have to  
10 develop alternatives for it.

11 In fact, personally I think they should condemn  
12 the station, but that's another issue. Strike that. I  
13 didn't mean to say that.

14 They also said that measures will be taken to  
15 minimize impacts -- this is a quote now -- cannot be -- will  
16 only be discussed in general terms.

MM-4

17 These people have been working for this since  
18 August 17th, 2001. We are now 2003. Why don't they have  
19 those concerns? Why don't they know where the siting is?  
20 Why haven't they talked to the people on the ranch and the  
21 people at the Caterpillar Corporation? Why haven't those  
22 agreements been made? Why aren't the memorandums of  
23 understanding included as appendices in this document?

24 Because TEP hasn't done its homework. They told  
25 us in the Line Siting Committee it was going to take them

**Comment No. MM-4**

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements. In addition, TEP has independently conducted public outreach activities such as informational meetings with various stakeholder groups within the project area, and informational newsletter mailings to zip codes in the area.

TEP has developed preliminary engineering designs for the proposed project, based on which the project description and impact analysis in the EIS was prepared. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed, and input from land owners to mitigate environmental and visual impacts on each land owner's property. TEP would prepare the final engineering and construction plans for the selected corridor during precise siting of the ROW. TEP would not enter into memorandums of understanding with property owners until a corridor has been selected and TEP can begin the process of specific ROW acquisition.



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1 three months to complete the engineering and design. They

2 should do that and fix it and do it again and fix it again.

3 That's how engineers get things to work. I am an engineer.

4 You try. You don't always do it right the first time, but

5 you fix it. And they haven't fixed it. They haven't

6 designed it yet. And they haven't had the consultations

7 with the people that are required.

8 On the 5th of August this summer TEP filed, and I

9 will read another quote, "Some agencies involved in the

10 environmental impact process have said they will not comment

11 on the specifics of the project until they are provided with

12 a final location by either the DOE or the Forest Service."

13 This has been said in the Siting Committee. The

14 word site, what does that word mean? Site, specify,

15 determine the position of.

MM-4  
cont.

16 They still don't know where they are. So we

17 shouldn't have the people from the Marley Ranch say we don't

18 know what the corridor width is and where is it?

19 They should have negotiated with you two years ago

20 before they ever came here.

MM-5

21 In fact, the plan of action that was approved by

22 the Arizona Corporation Commission said they would do the

23 Environmental Impact Statement first and then they would go

24 to the Arizona Corporation Commission.

25 They deliberately violated ACC Order Number 62011

**Comment No. MM-5**

As background information on the proposed project, Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, of the Final EIS includes an explanation of the relevant ACC decisions and the relation to TEP's proposed project, including the timing of this EIS and the application for a Certificate of Environmental Compatibility. TEP and UniSource Energy (the successor to Citizens) are in compliance with all ACC Orders regarding the project, as evidenced by the most recent hearing before the ACC (ACC 2003). However, TEP's actions with regard to ACC orders are not part of the environmental evaluation that is the focus of the EIS.

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MM-5 cont.	1 that said that follow the plan of action and do the 2 environmental statement first and then get your application 3 and your permit. They are doing it in the wrong order.
MM-4 cont.	4       So we still don't know where the poles are going 5 to be sited. And how can people make decisions? That's 6 only going to occur after negotiations and you know where 7 those poles are. 8       Without siting we don't have an analysis. You 9 don't have anything to analyze. 10      Let me show you some other examples of the siting, 11 and I just have a book here. 12      This is only one of four books required for a 13 sewer line. Okay. It takes four of these. And I will just 14 show these people at the table here some of the pictures. 15 And the pictures show not only the sewer line, but you can 16 see that there is some detail in these pictures. These are 17 engineering drawings. These are signed by registered, 18 certified professional engineers. 19      When you look at the Environmental Impact 20 Statement, they have hired some nice people from Disney to MM-4 cont.   21 draw comics or landscape architects, nice people, but this 22 is an engineering project. It has not yet been engineered. 23      In fact, this particular project is a sewer line 24 that crosses the border. And it has every manhole cover in 25 Mexico covered.

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- |               |  |  |
|---------------|--|--|
| MM-6          | 1  | When we look at the Environmental Impact                     |
|               | 2  | Statement, where is the lines that go to Mexico going?       |
|               | 3  | Where are their manhole covers? Where is their siting?       |
|               | 4  | In fact, they have got 345 kilovolts crossing the            |
|               | 5  | border, and there is no 345 kilovolts in Sonora. So they     |
|               | 6  | are just going to hang in midair.                            |
|               | 7  | The environment knows no border. We have to look             |
|               | 8  | at both sides. A system is a system. It's not an American    |
|               | 9  | half and a Mexican half. It's a system. Just like the        |
|               | 10   | north -- the South Substation is a part of the system. It's  |
|               | 11   | marked in the maps as approximate location. It's there. We   |
|               | 12   | can see it.  |
| MM-1<br>cont. | 13   | And that South Substation right now only has                 |
|               | 14   | 500 megawatts of voltage of power available. They are going  |
|               | 15   | to have to add three more 500 megawatt power lines in the    |
|               | 16   | future for your grandchildren to see for the next 50 to      |
|               | 17   | 70 years. But they won't talk to you about that because      |
|               | 18   | they are only going to charge the system to 500 megawatts    |
| MM-3<br>cont. | 19   | today. But it's a 2,000 megawatt system, enough for the      |
|               | 20   | whole city.  |
|               | 21   | It says in here, this is a little comment on                 |
|               | 22   | Page C-1, "If the Department of Energy determines that there |
|               | 23   | is no alternative to implementing a proposed project in a    |
|               | 24   | floodplain, a brief statement must be prepared."             |
| 25            | There are alternatives. But first of all, they |  |

**Comment No. MM-6**

Section 1.1.1, The Proposed Action, has been revised in the Final EIS to clarify that the 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. The specific routing of the connecting transmission line between the U.S.-Mexico border and the existing Santa Ana Substation has not yet been determined.

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MM-7	<p>1 I have said, oh, the DOE is going to prepare the statement</p> <p>2 saying, oh, you are just going to double this critical</p> <p>3 facility inside the 100-year floodplain. Who is going to</p> <p>4 take the liability for that debacle when it gets flooded?</p> <p>5 Department of Energy? TEP? U.S. Army Corps of Engineers?</p> <p>6 Pima County? It's in the Town of Sahuarita. Sahuarita?</p> <p>7 Who is going to take that responsibility?</p>
MM-8	<p>8 In fact, there are alternatives. One of them is</p> <p>9 called the Cyprus-Sahuarita Substation, which is back behind</p> <p>10 the mines. It's definitely not in the floodplain. Or a new</p> <p>11 substation. Come up with a new place. But this one is not</p> <p>12 very good.</p> <p>13 And where are those alternatives?</p>
MM-9	<p>14 Floodplain analysis requires public hearings. Has</p> <p>15 anybody heard about any public hearings to do the floodplain</p> <p>16 analysis for this major expansion? There should be public</p> <p>17 notices. We should all get invited. They should use the</p> <p>18 same address list. I am sure it would be an exciting</p> <p>19 floodplain meeting.</p>
MM-10	<p>20 The Clean Water Act requires certain,</p> <p>21 Sections 401, 404, various types of studies that need to be</p> <p>22 done. They are not done.</p> <p>23 The present substation, South Station, will</p> <p>24 increase by 58,600 square feet. That's bigger than most</p> <p>25 people's houses. That's how much it's going to grow for</p>

**Comment No. MM-7**

The analysis of liability for damage to the South Substation is outside the scope of the EIS.

**Comment No. MM-8**

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered.

The alternatives suggested by the commentor do not meet TEP's purpose and need, part of which is to connect to the existing electrical grid at the South Substation. TEP's Cyprus-Sierrita Substation cited by the commentor is on a lower voltage system and would not support the proposed transmission line.

**Comment No. MM-9**

The "Notice of Intent to Prepare an Environmental Impact Statement (EIS) and to Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement" for the proposed project was published in the *Federal Register* (66 FR 35950) on July 10, 2001. By including the Floodplain and Wetlands Involvement in this Notice of Intent, and taking public comments on the entire Draft EIS (including the Floodplain/Wetlands Assessment in Appendix C), the Federal agencies fulfilled the requirements of DOE's regulations for "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR Part 1022).

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1 this project. That's a lot of square feet.

2 But I'm sure everybody in Sahuarita really is  
3 going to be pleased with this new addition in their  
4 neighborhood.

5 I don't know if Mr. Sharp is here. But I'm sure  
6 Mr. Sharp probably does not consider that good for the  
7 economic development of his community.

8 It's going to move closer to the river, 70 feet  
9 closer to the river. It's already adjacent to it.

MM-11 10 It has two 500 megawatt bays. Where is the next  
11 1,000 megawatt bay going to go in this thing? That's two  
12 more 58,000 square foot additions.

MM-12 13 There are no technical figures. Actually, I don't  
14 believe there are any technical figures in the entire  
15 document signed by a registered engineer.

16 They are nice. We have art. I am an artist. I  
17 am not a registered engineer. But they sign, they seal,  
18 they stamp, and they validate and they approve, and they  
19 will certify that it will work.

MM-13 20 Pages C-4 to C-7 are the figures. They are all  
21 100-year floodplains. Where are the contours on those maps?  
22 Why aren't they topos that we are all familiar with if you  
23 have been in the hiking club? Why aren't they topos? They  
24 are nice drawn Powerpoint diagrams.

25 MR. ANTHONY COMO: Excuse me, Mr. Magruder, if you

**Comment No. MM-10**

Permits or review requirements under Sections 401 and 404 of the CWA (requirements for discharge of dredge or fill material and wetland permit review) are identified in Chapter 10 as potentially applicable to the proposed project. TEP is currently in consultation with the U.S. Army Corps of Engineers (USACE) on these requirements, and would complete the required studies and obtain the required permits upon final selection of an alternative.

**Comment No. MM-11**

The South Substation would be expanded from a “three-breaker ring bus” to a “four-breaker ring bus” (an arrangement of circuit breakers in a substation), with a 100-ft (30-m) expansion to the existing fenceline (see Section 2.2.1, Substation Upgrades and Additions and Fiber-Optic Regeneration Site). This EIS addresses the development of the proposed project for operation at the 500-MW level, including the required substation additions and modifications. If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA.

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MM-14

1 could short of begin to make an end, we have a couple of  
2 other speakers we would like to get to.

3 MR. MARSHALL MAGRUDER: Okay.

4 Towards the end there is, and this is really  
5 probably one of the most important parts, they tend to  
6 increase the height of the berm, the 586 by 100 feet. They  
7 move the wall and move the security fence. But as they do  
8 that, on the west side of the river and you raise the wall  
9 and you make a dam, what happens to the east side of the  
10 river? The water that's on the west side goes to the east  
11 side. What is on the east side adjacent to the same river?  
12 There is a large, heavy metal molybdenum processing plant,  
13 heavy metal plant.  
14 It took a lot of heat in this community when they  
15 installed that plant. I am not trying to hurt that plant's  
16 profits, their ability to do business, but if it was flooded  
17 because TEP scooted the water from one side of the river to  
18 that side of the river and the heavy metals went into the  
19 Tohono O'odham Nation and ruined their lands, we're good at  
20 that. We have been doing that for hundreds of years.  
21 And when the water, when it sinks down, it ruins  
22 our aquifer, and the City of Tucson has no water. It's  
23 over.

24 Are we going to allow this to happen in our  
25 community? The only answer, of course, two wrongs do not

**Comment No. MM-12**

An EIS is not a detailed engineering design document meant to certify the merits of a project's design, but rather a document that identifies and discloses potential environmental impacts. The level of project design detail required for assessment of potential environmental impacts in an EIS depends upon the degree to which project design details could affect environmental impacts. Scaled diagrams of the proposed monopole and lattice tower transmission line structures are shown in Figures S-3 and S-4 of the summary, and in Figures 1.1-1 and 1.1-2. TEP would prepare the final engineering and construction plans for the transmission line within the selected corridor after each agency has issued a ROD (refer to the response to Comment MM-4 within this transcript).

**Comment No. MM-13**

Due to the scale and the level of detail shown in the figures in Appendix C, topographical lines (lines showing elevation contours of the land) are not included in order to present simplified, user-friendly maps.

**Comment No. MM-14**

The proposed expansion of the South Substation would not be expected to: (1) raise the flood elevation in the surrounding area; (2) change flow patterns of the Santa Cruz River; nor (3) introduce significantly new hazardous material. TEP has completed a study to determine engineering measures that could be implemented to provide flood protection to the South Substation. (TEP 2002c) The results of that study indicate a variety of protective measures (ranging from reducing erosion with soil cement to building a structural concrete retaining wall) that can be implemented to better protect the South Substation from flooding. TEP would take appropriate measures to maintain the reliability of the electric transmission system.

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1 make a right.

2 If they have installed something in an area and  
3 now its environment, the business environment has changed,  
4 move it, put it in a different place, the north end of this  
5 station.

6 Thank you.

7 MR. ANTHONY COMO: Thank you, Mr. Magruder.

8 Matt Skroch?

9 MR. MATT SKROCH: Hi there. Thank you for the  
10 opportunity to be here. My name is Matt Skroch.

11 I work for the Sky Island Alliance. And these are  
12 comments in part, but we will also submit comments in  
13 written form.

14 The gist of what I have to say today is the  
15 failure of the Draft EIS to adequately address a reasonable  
16 range of alternatives.

17 And if we look at these power lines, all of them  
18 are 345 kilovolts. 345 kilovolt power lines can serve  
19 one million homes. There are 40,000 people living in  
20 Santa Cruz County.

21 All of the lines cost about \$87 million. A  
22 115 line costs about \$20 million. A power plant is  
23 estimated to cost about \$20 million. Santa Cruz County  
24 electrical rates went up 22 percent last month for a power  
25 line whose primary purpose is not to benefit the county

MS-1

**Comment No. MS-1**

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Likewise, a smaller transmission line in lieu of the proposed 345-kV line (e.g., a 115-kV line) would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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MS-1 cont.	1 residents. 2 That, unfortunately, is not captured in the EIS. 3 And the purpose and need, as others have pointed 4 out earlier today, fails to address the real purpose and 5 need of this power line, which instead of benefiting the 6 residents of Santa Cruz County, as intended under ACC 7 Order 62011, has more than changed under the Tucson Electric 8 Power corporate business plan to buying and selling
MS-2	9 electricity for Mexico. And that is sorely lacking in the 10 Draft Environmental Impact Statement. And I would recommend 11 that you do a better job of analyzing the real purpose and 12 need of the power line. 13 If the purpose of the power line is to benefit the 14 residents of Santa Cruz County, a 345 kilovolt power line is 15 not the way to do it. So let's not hide behind ACC's order 16 to provide another power line to Santa Cruz County to 17 justify this. 18 Roads. The Sky Island Alliance works on a lot of 19 road issues, wilderness issues, public land management 20 issues. TEP plans on using various amount of roads on the 21 Coronado National Forest to build its power lines. They do 22 not separate or distinguish whether the roads that they are 23 going to be using are legally built roads that have gone 24 through environmental analysis or if they are wildcat 25 illegal roads.

**Comment No. MS-2**

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." Refer to the discussion of purpose and need in Section 1.2. In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.



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MS-3

1 Under the Coronado National Forest plan, I have a  
2 cite here, Amendment Number 8, June, 1996, replacement page  
3 Number 34, Wildlife and Fish, Section 12D: "We find that  
4 the Coronado National Forest limits their allowable road  
5 density to one mile per square mile."

6 In the roads analysis done by URS and in the Draft  
7 Environmental Impact Statement, both of which state that the  
8 roads currently existing on the Coronado National Forest  
9 meet that road density standard, which is wrong.

10 The Coronado National Forest plan does not  
11 differentiate between system and nonsystem roads. It says  
12 simply that road densities on the forest will not exceed one  
13 mile per square mile. Thankfully, the roads analysis done  
14 by URS has shown us that, depending on what route you look  
15 at, between 54 percent and 65 percent, depending on which  
16 route you look at, of the roads existing on the landscape  
17 are nonsystem, illegally created roads which were not used  
18 in the calculation in saying that the road density standard  
19 is currently being met.

20 Now when TEP plans on closing one mile of road for  
21 every mile of road they construct, technically, not  
22 technically, it's illegal as given in the forest plan.

23 It will actually increase the technical road  
24 density within the area because TEP will be closing  
25 nonsystem roads that have never been on the forest

**Comment No. MS-3**

Section 3.12.1, Western Corridor, states that "USFS has indicated that current road density is estimated to be near this level [one mile of road or less per square mile]." USFS has provided clarification that road density limits set forth in the Forest Plan are for the Coronado National Forest as a whole, not for individual land units or EMAs within the Coronado National Forest. The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan.

TEP's proposal to close one mile of road for every mile of road to be used for the proposed project is not illegal. TEP's proposal would result in the addition of administratively closed special use roads or Level 2 roads to the Forest Plan (see Section 4.12.1). These roads have undergone NEPA analysis as part of TEP's proposed project.

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MS-3  
cont.

1 transportation network and they will be building level one  
2 roads, which are called the administratively closed roads,  
3 so we are actually adding miles to the Coronado National  
4 Forest transportation system and saying that we're keeping  
5 the status quo by closing one mile of road per square mile.

6 The roadless area, as we see on that map, the  
7 preferred western route skirts what's called an inventory  
8 roadless area, which was done incorrectly and in our opinion  
9 legally questionably.

MS-4

10 In 1978 the Coronado National Forest, like every  
11 forest in the United States, went through a process called  
12 the Roadless Area Review Evaluation, Part Two. And at that  
13 time they identified roadless areas across the nation that  
14 had the potential for inclusion in the National Wilderness  
15 Preservation System. That power line goes through the RARE  
16 Two area.

17 In 2000, as TEP was just starting to bring this  
18 plan to the public, the Coronado National Forest issued a  
19 new roadless area map that coincidentally did not include or  
20 did not abut the proposed western route.

21 The mapping system that they used to produce that  
22 roadless area map is called a recreational opportunity  
23 spectrum, and in no way has it ever been designed to  
24 identify roadless areas on National Forest lands. And in my  
25 knowledge it's never been used anywhere else to identify

**Comment No. MS-4**

The analysis in the Final EIS correctly relies on the IRAs defined in Volume 2 of the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* (USFS 2000) to determine potential impacts of the proposed project. The method used by the Coronado National Forest to identify the IRAs in the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* is outside the scope of this EIS.

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MS-4  
cont.

1 roadless areas on National Forest lands.

2       Therefore, I would recommend that the RARE Two  
3 area, which is still illegally defined as the roadless area  
4 in that area, be used in the analysis of the Draft  
5 Environmental Impact Statement for the Final Environmental  
6 Impact Statement.

MS-1  
cont.

7       The existing power line that serves Santa Cruz  
8 County right now has recently, well, within the last couple  
9 of years been upgraded to 100 megawatts.

10 Santa Cruz County power needs have never exceeded  
11 60 megawatts. And again, we get into reliability.  
12       Reliability issues in Santa Cruz County have been improved  
13 upon greatly in recent years. And this 345 kilovolt power  
14 line, of which only a maximum of 20 percent would be used in  
15 Santa Cruz County, and then only on the average of two hours  
16 a year, is like swatting a fly with a shotgun.

17       That's all I have to say. Thank you.

18       MR. ANTHONY COMO: Thank you.

19       Mr. Roy Emrick?

20       MR. ROY EMRICK: Good afternoon. My name is Roy  
21 Emrick. I am a member of the Sierra Club and of the Friends  
22 of Buenos Aires National Wildlife Refuge, and my profession  
23 I am a retired physicist.

24       All of the reasons that other people have given  
25 against the western route I support. I won't repeat them.

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1 I think Matt gave a good argument, the first  
2 speaker gave a good esthetic argument.  
3 The argument I want to make is a general argument  
4 about projects of this sort. Building this line would  
5 continue to lock us into the style of large point source  
6 power plants with large transmission lines under the control  
7 of large corporations.  
8 For the environment what we need to do is get off  
9 of that system and start using distributed systems. There  
10 is nothing in here about reducing the load by conservation,  
11 nothing about solar or wind generation.  
12 So I think, again, the lack of alternatives was  
13 mentioned, there are many other things we could do, and I  
14 think we need to get off this kick of the big power plant  
15 with the big transmission line and the dependence on fossil  
16 fuels. Thank you.  
17 MR. ANTHONY COMO: Thank you, Mr. Emrick.  
18 Libby Brandt?  
19 MS. LIBBY BRANDT: I am a teacher, and I live in  
20 the area that we're talking about. And I have taken  
21 students many times hiking in that area. And I know that  
22 Arizona is known for its beauty and natural resources. And  
23 I feel that we are making a giant mistake to future  
24 generations to put such a thing through the natural  
25 resources and the wilderness lands that we have out there.

**Comment No. RE-1**

Section 1.2 explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Distributed energy resources, energy conservation, and alternative energy sources would not meet TEP's proposal.

**Comment No. LB-1**

Potential impacts to each of the resource areas cited by the commentor are evaluated in the EIS (see Section 4.1.2, Recreation; Section 4.2, Visual Resources; and Section 4.3, Biological Resources). The corresponding sections of Chapter 3 describe the affected environment relative to each of these resource areas.

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1 Thank you.

2 MR. ANTHONY COMO: Thank you.

3 D. G. Chilson.

4 MS. D. G. CHILSON: Thank you. My name is D. G.  
5 or Gail Chilson, and I am a resident.

DC-1 6 Two of those proposed rights-of-way or lines would  
7 go right behind my house, and that scares me. And it scares  
8 me. I have enough voltage going behind my house right now  
9 that concerns me as to its impact upon the environment. I  
10 consider my property, 40-acre property, which these lines  
11 would cross to be a sanctuary for the animals and the  
12 wildlife. And this amount of power concerns me.

DC-2 13 And the reason I thought Mr. Emrick made a very  
14 good statement, I think there are other ways to address  
15 energy needs in this country, and I think that we really  
16 ought to seriously look at them.

17 Thank you.

18 MR. ANTHONY COMO: Thank you, Ms. Chilson.

19 Sonja Macys?

20 MS. SONJA MACYS: Thanks. My name is Sonja Macys.  
21 I am the executive director of Tucson Audubon Society. We  
22 are a membership based organization of about 800 members  
23 here in a three mile area.

24 I would just like to make a couple of points about  
25 the Environmental Impact Statement and the proposed lines.

**Comment No. DC-1**

The available data have not revealed any conclusive evidence that EMF exposure from power lines poses a hazard to animal or human health (see Sections 3.10 and 4.10, Health and Human Environment). Where transmission lines are located in close proximity to each other, EMF levels can increase or decrease depending on the layout of the transmission lines and ROWs.

**Comment No. DC-2**

Section 2.1.5 of the EIS discusses alternatives that were considered but eliminated from detailed analysis.

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- |      |   |
|------|---|
| SM-1 | <p>1 The first is one that's been well expressed, and that is<br/>2 that we have not been very creative in exploring<br/>3 alternatives.</p> <p>4 We are faced now with two to three options, all of<br/>5 which are unacceptable for different reasons.</p> <p>6 I think that we have been presented with the<br/>7 western route, the central route and the crossover route as<br/>8 if they were the only options available. And I am not an<br/>9 engineer, I am not an energy expert, but I do believe that<br/>10 there are other alternatives that need to be explored in the<br/>11 Final Environmental Impact Statement.</p> |
| SM-2 | <p>12 I will keep my comments brief because we will be<br/>13 providing written comments on the Environmental Impact<br/>14 Statement, but I would like to say as far as the central<br/>15 route goes, we are sympathetic to the residents who will<br/>16 have to deal with the visual contamination of having the<br/>17 line, and we would respectfully ask that it be considered if<br/>18 the central route be chosen that those lines would need to<br/>19 be buried and those costs would need to be borne by Tucson<br/>20 Electric Power and not the residents and their property<br/>21 taxes.</p>                         |
| SM-3 | <p>22 The central route also poses an additional<br/>23 problem. There is a National Heritage Site process underway<br/>24 for the Santa Cruz River, and that would be greatly impacted<br/>25 by the central route.</p>  |

**Comment No. SM-1**

Section 1.2 explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A smaller transmission line (e.g., a 115-kV line) in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal and, therefore, is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

**Comment No. SM-2**

Because of the disadvantages and cost differential associated with burying transmission lines, this alternative is not evaluated in detail in the EIS. Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, has been revised to indicate that the option of burying transmission lines was considered but eliminated from further analysis in the EIS.

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SM-4	<p>1 So you might think that I am suggesting the</p> <p>2 western route. But that, actually, is probably the worst of</p> <p>3 all routes because of the fact that it will impact severely</p> <p>4 some of the pristine natural areas that are already being</p> <p>5 impacted in other ways in southern Arizona.</p>
SM-5	<p>6 I won't repeat the points that Matt made from Sky</p> <p>7 Island Alliance, but I would like to support his comments,</p> <p>8 and I think that the folks from Sky Island are the ones that</p> <p>9 have been working hardest on the wilderness areas that will</p> <p>10 be impacted by this proposal and also the proposed</p> <p>11 wilderness areas that we will be putting new roads into in</p> <p>12 order to service these lines.</p>
SM-1 cont.	<p>13 I don't think I need to go into the environmental</p> <p>14 impacts of roads. I think we are all familiar with rock</p> <p>15 fragmentation, introduction of exotic species, crossing of</p> <p>16 illegal immigrants, just as was mentioned by the fellow from</p> <p>17 Marley Cattle.</p> <p>18 And I guess I would just say I don't think we need</p> <p>19 more roads for a line that may be too large to adequately</p> <p>20 address what we're really looking to address here. I think</p> <p>21 we need to go back to the drawing board, be a little more</p> <p>22 creative, figure out why we are putting in a 345 when we</p> <p>23 could do with a 115. And I think that we need to really</p> <p>24 consider what we're willing to give up to address the energy</p> <p>25 needs that were stated.</p>

**Comment No. SM-2 (continued)**

Tables S-1 and 2.3-1 of the Final EIS state that the Central Corridor would be visible from more residences than the Western Corridor would be, and some potential views of the Central Corridor would be blocked by terrain.

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

**Comment No. SM-3**

The Federal agencies are aware of Congressman Grijalva's stated intent to initiate legislation that would establish an addition to the National Wilderness Preservation System in the Tumacacori Highlands portion of the Coronado National Forest. The proposal would double the existing Pajarita Wilderness south of Ruby Road from 7,529 acres (3,047 ha) to 15,931 (6,447 ha) acres and create an entirely new wilderness area of 76,171 acres (30, 825 ha) north of that road. Section 5.2.4 now includes a discussion of this potential proposal.

**Comment No. SM-4**

The Federal agencies note the commentor's opposition to the Western Corridor.

**Comment No. SM-5**

Section 2.2.3, Transmission Line Construction, states that explosives blasting may be used as needed based on local geologic conditions. Explosives blasting can result in the break-up of large rocks. Section 3.6 describes the existing geology and soils, and Section 4.6 evaluates potential impacts as a result of the proposed project.

Sections 3.3 and 4.3 describe the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential invasive (nonnative) species impacts.

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1 I don't think that many people here are willing to  
2 give up their view shed or the environmental values that  
3 they have moved here to enjoy and appreciate.

4 So thank you for the opportunity to speak to this  
5 proposal, and we will be providing more written comments.

6 MR. ANTHONY COMO: Thank you, Ms. Macys.

7 I have run out of names, but we still have  
8 25 minutes. We could just go off the record. We could give  
9 the reporter a break, have a cup of coffee. In five minutes  
10 or so if some of you think that after all you may want to  
11 say something, we can go back on the record. We have this  
12 officially until 5 o'clock, but we actually have the room  
13 until later. We just want to break for supper. So we can  
14 go a little after 5 o'clock if the press of the crowd is  
15 necessary to get everyone's statement.

16 So why don't we just take a five minute break for  
17 a cup of coffee and get a chance to regroup.

18 (Whereupon a recess was taken from 4:39 P.M. to  
19 4:51 P.M.)

20 MR. ANTHONY COMO: Is there anyone else that would  
21 like to say anything either over or anew?

22 That being the case I would like to close the  
23 record, and I want to thank you all for attending. And in  
24 case any of you are interested and have nothing else to do  
25 we are going to have another version of this starting at

**Comment No. SM-5 (continued)**

The Federal agencies solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).



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1 7 o'clock tonight same location.  
2 (Whereupon the hearing was concluded at 5:00 P.M.)  
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1 STATE OF ARIZONA  
2 COUNTY OF PIMA  
3  
4 I, RAYNBO SILVA, Certified Court Reporter in the  
5 County of Pima, State of Arizona, certify:  
6 That the foregoing Public Hearing was taken before  
7 me at the time and place therein set forth;  
8 That the foregoing 52 pages comprise a full, true  
9 and accurate transcription of my notes of said Public  
10 Hearing;  
11 That I am not of counsel nor attorney for or  
12 related to either or any of the parties in this action, nor  
13 interested in the outcome thereof.  
14 DATED this 10th day of October, 2003.  
15  
16  
17  
18  
  
19 Raynbo Silva, RPR, CSR, CCR  
20 Certified Court Reporter No. 50014  
21  
22  
23  
24  
25